

Effective 5/13/2014

31A-27a-107 Notice and hearing on matters submitted by the receiver for receivership court approval.

- (1)
 - (a) Upon written request to the receiver, a person shall be placed on the service list to receive notice of matters filed by the receiver. The person shall include in a written request under this Subsection (1)(a) the person's address, facsimile number, or electronic mail address.
 - (b) It is the responsibility of the person requesting notice to:
 - (i) inform the receiver in writing of any changes in the person's address, facsimile number, or electronic mail address; or
 - (ii) request that the person's name be deleted from the service list.
 - (c)
 - (i) The receiver may serve on a person on the service list a request to confirm continuation on the service list by returning a form.
 - (ii) The request to confirm continuation may be served periodically but not more frequently than every 12 months.
 - (iii) A person who fails to return the form described in this Subsection (1)(c) may be removed from the service list.
 - (d) Inclusion on the service list does not confer standing in the delinquency proceeding to raise, appear, or be heard on any issue.
 - (e) The receiver shall:
 - (i) file a copy of the service list with the receivership court; and
 - (ii) periodically provide to the receivership court notice of changes to the service list.
 - (f) Notice may be provided by first-class mail postage paid, electronic mail, or facsimile transmission, at the receiver's discretion.
- (2) Except as otherwise provided by this chapter, notice and hearing of any matter submitted by the receiver to the receivership court for approval under this chapter shall be conducted in accordance with this Subsection (2).
 - (a) The receiver:
 - (i) shall file a motion:
 - (A) explaining the proposed action; and
 - (B) the basis for the proposed action; and
 - (ii) may include any evidence in support of the motion.
 - (b) If a document, material, or other information supporting the motion is confidential, the document, material, or other information may be submitted to the receivership court under seal for in camera inspection.
 - (c)
 - (i) The receiver shall provide notice and a copy of the motion to:
 - (A) all persons on the service list; and
 - (B) any other person as may be required by the receivership court.
 - (ii) Notice may be provided by first-class mail postage paid, electronic mail, or facsimile transmission, at the receiver's discretion.
 - (iii) For purposes of this section, notice is considered to be given on the day on which it is deposited with the United States Postmaster or transmitted, as applicable, to the last-known address as shown on the service list.
 - (d)
 - (i) A party in interest objecting to the motion shall:
 - (A) file an objection specifying the grounds for the objection within:

- (I) 10 days of the day on which the notice of the filing of the motion is sent; or
 - (II) such other time as the receivership court may specify; and
 - (B) serve copies on:
 - (I) the receiver; and
 - (II) any other person served with the motion within the time period described in this Subsection (2)(d)(i).
 - (ii) In accordance with the Utah Rules of Civil Procedure, days may be added to the time for filing an objection if the notice of the motion is sent only by way of United States mail.
 - (iii) An objecting party has the burden of showing why the receivership court should not authorize the proposed action.
- (e)
- (i) If no objection to the motion is timely filed:
 - (A) the receivership court may:
 - (I) enter an order approving the motion without a hearing; or
 - (II) hold a hearing to determine if the receiver's motion should be approved; and
 - (B) the receiver may request that the receivership court enter an order or hold a hearing on an expedited basis.
 - (ii)
 - (A) If an objection is timely filed, the receivership court may hold a hearing.
 - (B) If the receivership court approves the motion and, upon a motion by the receiver, determines that the objection is frivolous or filed merely for delay or for other improper purpose, the receivership court may order the objecting party to pay the receiver's reasonable costs and fees of defending against the objection.

Amended by Chapter 290, 2014 General Session

Amended by Chapter 300, 2014 General Session